

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	John W. Darrah	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	02 C 8976	DATE	6/10/2003
CASE TITLE	Taria Gordon vs. Daimler Chrysler		

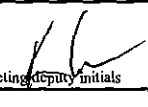
[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

Memorandum Opinion and Order

DOCKET ENTRY:

- (1) ☐ Filed motion of [use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due _____.
- (3) ☐ Answer brief to motion due _____. Reply to answer brief due _____.
- (4) ☐ Ruling/Hearing on _____ set for _____ at _____.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) ☐ Trial[set for/re-set for] on _____ at _____.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
☐ FRCP4(m) ☐ Local Rule 41.1 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] Enter Memorandum Opinion and Order. Chrysler's motion to dismiss paragraph 10 of plaintiff's complaint is granted.
- (11) ☒ [For further detail see order attached to the original minute order.]

<input type="checkbox"/> No notices required, advised in open court. <input type="checkbox"/> No notices required. <input type="checkbox"/> Notices mailed by judge's staff. <input type="checkbox"/> Notified counsel by telephone. <input checked="" type="checkbox"/> Docketing to mail notices. <input type="checkbox"/> Mail AO 450 form. <input type="checkbox"/> Copy to judge/magistrate judge.	LG courtroom deputy's initials	U.S. DISTRICT COURT CLERK JUN 10 PM 3:17 FILED	number of notices	Document Number 12
			JUN 11 2003 date docketed	
			 docketing deputy initials	
			date mailed notice	
			mailing deputy initials	

DOCKETED
JUN 11 2003

No. 02 C 8976
Judge John W. Darrah

12

team meetings, that she was occasionally sent home early, and that company records were falsified and/or revised to omit evidence of Chrysler's discriminatory acts.

Chrysler argues that Gordon's claim under 42 U.S.C. § 1983 should be dismissed. Section 1983 generally does not extend to the conduct of private individuals or corporations unless they "acted under color of state law by exercising power 'possessed by virtue of state law and made possible only because the wrongdoer is clothed with the authority of state law.'" *Copeland v. Northwestern Memorial Hospital*, 964 F.Supp. 1225, 1238 (N.D. Ill. 1997). Where a defendant is a private party, not acting under color of state law, dismissal of a § 1983 claim against it is appropriate. *Id.* at 1239.

Plaintiff has not alleged that Chrysler acted under color of state law but, instead, has alleged, by checking a box on her *pro se* plaintiff's form, that Chrysler is a "state or local government agency." We take judicial notice of the fact that Chrysler is a private corporation, not a state or local government agency, and could not have acted under color of state law in terminating Gordon's employment.

Because Plaintiff could prove no set of facts to show that Chrysler was "a state or local government agency" or was exercising power under the authority of state law in terminating her employment, dismissal with prejudice of her claim under 42 U.S.C. § 1983 is appropriate. *See Conley*, 355 U.S. at 45-46.

Only paragraph 10 of Plaintiff's Complaint is dismissed with prejudice. Gordon may still prosecute her claims of alleged discrimination because of color, race, and sex, as appropriate under Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981.

Dated:

June 10, 2003


JOHN W. DARRAH
United States District Judge